IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.7133 of 1999

Dated: September 19, 2006

Between:

Gita Vignana High School (Aided) Ramagiri, Nalgonda, represented by its Correspondent C. Venkat Reddy, S/o. Rangareddy, aged about 69 years, R/o. Nalgonda.

… Petitioner

And

The District Educational Officer, Nalgonda, Nalgonda District, and others.

… Respondents

Order:

This writ petition has been filed questioning Memo No.5 S 1491/415/SMPC/98 dated 05-08-1998 issued in pursuance of the

orders of the Government in G.O.Ms.No.275 Finance & Planning Department dated 14-12-1995.

2. In the aforesaid G.O., restriction was imposed for taking concurrence from the Finance Department while filling up the aided vacant posts in high schools. The petitioner challenges the action of the first respondent in not permitting it to fill up vacancies as per G.O.Ms.No.1 dated 01-01-1994, basing on Memo of the Government dated 05-08-1998, which was issued in letter and spirit of G.O.Ms.No.275 dated 14-12-1995. It is stated that the first respondent himself granted permission to the petitioner to fill up the vacant posts vide proceedings dated 09-09-1998.

3. Though no counter affidavit has been filed by the respondents, learned Government Pleader submits that this court in a batch of cases, declared G.O.Ms.No.275 dated 14-12-1995 as illegal.

4. In the circumstances, I set aside Memo dated 05-08-1998 which was issued pursuant to G.O.Ms.No.275 dated 14-12-1995 and dispose of the writ petition directing the respondents to consider the proposals, if any, received by them to fill up the vacancies, without reference to the orders of the Government in the aforesaid G.O.

JUSTICE R. SUBHASH REDDY.

September 19, 2006
MRR